

## Burlington Planning Commission

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*Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montröll  
Harris Roen  
Jennifer Wallace-Brodeur  
Holly Ransom, Youth Member*



## Burlington Planning Commission

### REGULAR MEETING

**Tuesday, January 13, 2015 - 6:30 P.M.**

Conference Room #12, Ground Floor, City Hall, 149 Church Street

### Minutes

#### **I. Agenda**

5 before 3...

#### **II. Public Forum**

N. Warner – Winooski Valley Park District – provision places in the zoning to allow for daycare to operate in the Ethan Allen property. Change the use allowed only, the rest of the zoning there is completely appropriate. September timeframe for having the daycare use there.

#### **III. Report of the Chair**

The chair presented the following report:

- Panelist tomorrow at BBA Housing Summit – work in planBTV and Housing action plan.
- Lot of attention being paid to the Town Center redevelopment. Wanted to reach out to members about appointments to the Town Center committee. Who is interested to serve on that committee?

L. Buffinton and B. Baker expressed interest. E. Lee will participate with Preservation Burlington.

#### **IV. Report of the Director**

The director presented the following report:

- Last week there was the first Town Center public meeting for the redevelopment process. Contois was packed and feedback was very positive. People were open minded and offering their perspective.
- Staff is working in partnership with the Department of Health to do a Health Impact Assessment (HIA) for planBTV South End. They will do some literature review and evaluate alternative from a health perspective. What might be the health implications of planning and future development? Starting to think about public health and how it's impacted.
- Save the Date for the planBTV South End Community Workshop, February 11-14, 2015 at a location to be determined on Pine Street.

#### **V. Urban Agriculture Zoning Amendment**

S. Gustin - The City Council ordinance committee made two changes to the Commission's approved draft. Under state statute, the Commission is required to make comments on changes made by the Council before they vote on the change. The two changes made were:

- a. Exemption for 24 sf structures, recommended by staff, added 15' height limit added.
- b. Change to article 4 – density bonus for community gardens – was removed from the proposed changes.
- E. Lee – Article 4 is not included.
- S. Gustin – No, it was removed.
- B. Baker – still accomplishes what the PC attempted to do.
- L. Buffinton – thought we already had a 15' limit.

**On a motion by B. Baker, seconded by H. Roen, the Commission unanimously approved the proposed changes to the Urban Agriculture zoning amendment.**

## **VI. Public Hearings: Proposed Zoning Amendments**

### **ZA-15-01**

D. White - Simply a typo to make the proper reference.

**On a motion by J. Wallace-Brodeur, seconded by E. Lee, the Commission unanimously approved ZA-15-01 and sent to City Council for final adoption.**

### **ZA-15-02**

D. White – Presented the proposed amendments. The goal is to untangle the duplications in the development review process. There is currently a lot of redundancy in the ordinance that we are trying to take care and clean. There have been conversations via email on the Farrington Mobile Home Park, but there is nothing in the proposal that changes the zoning there or the potential for development on that property.

T. Cochran – He lives on S. Winooski – Referred commissioners to the state statute on conditional uses and the removal of language in the draft amendment removing “the character of the area”. He believes that should stay in to the ordinance as is because character of the area is important.

B. Baker – This is simply moved up.

E. Lee – No, what is in the proposal is different.

D. White – The language relative to the requirements is being expanded upon in the proposal, which we are allowed to do. The wording is different but there is no conflict with the statute and it provides greater clarity.

A. Montroll – If we want more details, why not mention the statute and then what the city wants.

B. Baker – He is comfortable with the state statute.

D. White – What we provide has more clarity, we try to put a finer point, what are the characteristics of what the statute states.

J. Wallace-Brodeur – What we added to the statute is scale.

T. Cochran – What David is saying is reasonable. Character of the area is a term that is widely accepted and if it's not ok, then it should be removed at the state level.

E. Lee – The current proposal doesn't include in the character of the area.

T. Cochran – The city has had issues with some interpretation of the ordinance in the last few months. In the section on carriage houses, there is nothing in the proposed language that would prevent someone coming to the DRB twice to get the density bonus and then go back to convert the other half of the house. The language should be changes to say: “into no more than one residential unit for the structure.”

E. Lee – Does this fall under accessory apartments?

D. White – The ordinance's purpose was to allow and encourage use of carriage houses. The current language doesn't say anything about meeting the underlying of the zoning ordinance.

L. Buffinton – Some of these old buildings are larger and should be allowing more than one unit if the space is available there.

A. Montroll – The provision here is an exception to the other rules. If you want to do more than one unit then someone could use the PUD process which is more complicated and has more appropriate review.

Y. Bradley – Remember that the purpose that these amendments are to simplify the process.

J. Wallace-Brodeur – She has no problem with the proposed change in the language by C. Cochran.

D. White – We could also add more language to point people to where do you have to go if you want to do more units.

B. Baker – The intent is to offer one unit under this exception.

E. Lee – We should send back to staff to change language and bring back to the Commission. There should be a fast track for one unit and still allowing another process for more units if wanted.

T. Lefebvre – She lives at the Farrington Mobile Home Park and they were told that zoning was being changed in the area. There is an article in the Burlington Free Press that speaks to that. Replacement housing we were told years ago was not supposed to apply in the mobile home park, but it is being applied. If the zoning is to change to something else than RM to other more dense zoning, then we would not be able to buy the property.

J. Wallace-Brodeur – Proposed amendments, is that where you think the change is being articulated?

D. White – The current proposal tonight applies to housing replacement in the city everywhere. The proposal doesn't change that, simply says that the process is not a conditional use process in front of the Development Review Board.

T. Lefebvre – We are trying to get the replacement housing requirements not to apply in the park.

D. White – There should be a discussion about the replacement housing requirements and what needs to be changed to make this happen for the mobile home park.

T. Lefebvre – Last May she was here and talked with many people, and owners of the park were not allowed to move the mobile homes because of back taxes. There has recently been an agreement to waive the taxes and move the building.

Y. Bradley – Sounds like there are issues that are specific to the mobile home park, but not directly to the proposed changes that we are discussing here tonight. The mobile home park has some special attributes that needs to be addressed. A group should meet with staff to see what changes might be needed for the mobile home park.

J. Leclerc – We are concerned about the proposed changes, could change how we are looked at. Under PUD, would give them the ability to redevelop.

D. White – There is nothing in the proposed language that would allow PUD to be used in any different way than how it is used today. PUD could be applicable today and the amendment doesn't change that. The same amount of development can happen under PUD. PUD doesn't allow for more density and development potential.

Y. Bradley – There is no intent to up zone any property in the city with this amendment. We are simply making things simpler from a process perspective. It doesn't mean that we couldn't make changes to zoning to help treat the mobile home park differently for your use.

D. White – He is meeting with CEDO staff tomorrow to try to help the mobile home park folks.

L. Buffinton – She would like to reassure all that the Commission doesn't want to muddy the water and hinder what they are trying to do at the mobile home park.

E. Lee – Does the Commission ever put out letter or statement of the intent that we support the changes happening at the mobile home park?

J. Leclerc – Eight years ago, the property got rezoned to RM without our knowledge and then we got housing replacement applied to the property. We cannot change units and remove homes as needed.

Y. Bradley – Apologize for what happened 8 years ago, but the PC has changed.

B. Goblik – He has asked architects in town to read and understand the amendment for them. Proposed development at Burlington College, this might affect the number of inclusionary units required there.

D. White – No, this would not affect the number of inclusionary units allowed or required.

J. Wallace-Brodeur – Can we get a report back at the next meeting where we stand with the mobile home park?

H. Ransom – The only difference between the character of the area piece in the proposed amendment is the “scale”, correct?

D. White – Yes and scale is a factor in understanding character.

H. Roen – We should also retain the renewable energy facilities item.

E. Lee - Why using public instead of community facilities.

D. White – Makes it more relevant to Burlington. We should also retain the Bylaws.

A. Montroll – He wants to make sure we mirror the state law as much as possible, because that won't help a project and lawyers might challenge the zoning code.

**On a motion by E. Lee, seconded by L. Buffinton, the Commission unanimously continued the public hearing for ZA-15-02 until January 27.**

## **VII. Proposed Zoning Amendments**

### **Downtown Districts Setbacks Abutting a Residential Zoning District**

D. White – Explained the proposed amendment. 15' setback should be from the zoning district boundary and not from the property line.

A. Montroll – If we were to draw a zoning boundary in the middle of someone's boundary, would that prevent someone to build something on their property.

L. Buffinton – This seems like a good cleaning item, especially with the project on George Street.

A. Montroll – We should have this apply when owners are trying to merge two properties together.

Staff to make the changes and bring it back to the PC.

### **Inclusionary Zoning for Institutional Zoning Districts**

D. White – He explained the proposed amendment.

**On a motion by L. Buffinton, seconded by J. Wallace-Brodeur, the Commission warned ZA-15-03 for public hearing on February 10, 2015. E. Lee opposed.**

E. Lee – Looks like the Champlain College project went around this requirement by stating that a % of students use financial help. The amendment is not necessary if a project can get around this issue. We should encourage institutions to build housing on their core campus, not elsewhere in the city.

## **VIII. Committee Reports**

Ordinance Committee – The committee talked about joint parking facilities to authorize sharing of parking if available and began discussing the status of limitation on permits. We need to improve the process.

Joint FBC Committee – The committee has had several meetings already and now understands what the code is and how it works. Two more meetings to work through it and then will discuss policy issues. Many of the meetings are taped by CCTV and online and available.

J. Wallace-Brodeur – Having joint committee with City Council is a smart move.

## **IX. Commissioner Items**

H. Roen – He has been sitting on the planning advisory committee for the Regional Planning Commission for some time now. It would be best to have staff go instead of a commissioner. Everyone else is professional staff on that committee.

D. White – We should communicate with the Mayor's office as this is probably an appointee position from the Council.

L. Buffinton – Communication from Matthew Koch, are we doing something with this? She started to close many open permits for Champlain Housing Trust and the City realized that money was still due. The city claimed erroneously on a 15 year old permit that a large sum of money was still due, with burden on current owner to prove fees have been paid from years ago. Bills should be sent, not wait for the owners to come in to close permits.

**X. Minutes/Communications**

**On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously adopted the minutes from November 12, 2014 and accepted the communications and placed them on file.**

**XI. Adjourn**

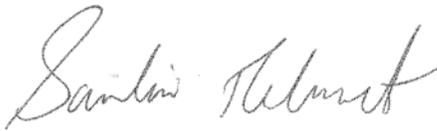
**On a motion by J. Wallace-Brodeur, seconded by B. Baker, the Commission unanimously adjourned the meeting at 9:03pm.**



Yves Bradley, Chair

January 27, 2015

Date



Sandrine Thibault, Secretary